IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

Writ Petition No.28570 of 1997
DATED 28-2-2007

BETWEEN
N.Usha Rani

.. Petitioner

And

The Zonal Manager,
Life Insurance Corporation of India,
Zonal Office, Saifabad,
Hyderabad and 2 others.

.. Respondents

THE HONOURABLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.28570 of 1997

ORDER:

The petitioner seeks regularization of her services claiming parity with others, whose services were regularized terming them as "non-test category".

Petitioner was appointed as a Typist on temporary basis from among the candidates sponsored by the employment exchange. She underwent the process of recruitment but, however, was not subjected to a pre-recruitment written test as such a test was not prescribed for temporary appointments. Apprehending that her services would be terminated, petitioner filed W.P.No.16601 of 1995

seeking a direction that she be continued as a typist till the post was filled up by a regular candidate in accordance with the rules and, in the absence of any such recruitment, she be regularized in the said post.

Initially an interim order was passed by this court to continue her in service. After regular recruitment was completed and a candidate from the panel of selected candidates was posted in the place of the petitioner, a vacate stay petition was filed. The interim order granted earlier was vacated and the writ petition was dismissed on 3.7.1997. Consequently, the petitioner's services were terminated on 5.7.1997.

Sri MVK.Viswanadham, learned counsel for the petitioner, would fairly submit that in view of the Constitution Bench judgment of the Supreme Court in **Secretary, State of Karnataka and others v. Umadevi**[1], the petitioner could not claim the benefit of regularization. He, however, seeks a direction from this Court that the petitioner be considered for regular recruitment along with other eligible candidates, giving the benefit of relaxation in age. Learned counsel would submit that the same relief had been granted in several other cases.

In the cases, where such relief was granted, the employees concerned had continued in service and it was in such circumstances that this Court held that, while they were required to compete with other eligible candidates for direct recruitment in accordance with the rules, the services rendered by them earlier be taken into consideration and that relaxation of age be granted. In the present case, the petitioner's services were terminated on 5.7.1997 and ever since, she has not been in the services of the

respondent Corporation. The relief, which the learned counsel for the petitioner seeks, cannot therefore be granted.

The writ petition fails and is accordingly dismissed. No costs.

RAMESH RANGANATHAN,J

Dt: 28.2.2007
msv.

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[1] (2006) 4 SCC 1